liams v. *Hayward,* 1 El. and El. 1040; and *Coleman* v. *Reddick,* 25 U. C. C. P. 579. For a discussion of the theory of this view, see 2 TIFFANY, LANDLORD & TENANT, 1270. The principal case also raises the question of whether, in the case of constructive eviction, the tenant must abandon the premises in order that he have a valid defense to an action for rent. It is held in *Adolphi* v. *Inglima,* 130 N. Y. Supp. 130 and in *Hamilton* v. *Graybill,* 19 Misc. 521 (N. Y.) that abandonment is not necessary. The contrary view is taken in *Boreel* v. *Lawton,* 90 N. Y. 293; *Beakes* v. *Haas,* 36 Misc. 796 (N. Y.); *Barrett* v. *Boddie,* 158 Ill. 479; *International Trust Co.* v. *Schumann,* 158 Mass. 287; *Leifermann* v. *Osten,* 167 Ill. 93; *Ralph* v. *Lomer,* 3 Wash. St. 401; and *Higbie* v. *Weegham Co.,* 126 Ill. App. 97. See 2 TIFFANY, LANDLORD & TENANT, 1265.

MINES AND MINERALS—EASEMENT OF SURFACE OWNER.—The plaintiff, the owner of the surface stratum, drilled a well and projected a pipe through a coal stratum in order to obtain water from a stratum below, which he owned. The defendant, the owner of the coal stratum, in mining, destroyed the pipe. In an action of trespass brought by plaintiff, *held,* that the question of defendant's negligence in destroying the pipe was properly submitted to the jury. *Penn. Central Brewing Co.* v. *Lehigh Valley Coal Co.* (Pa. 1915), 95 Atl. 471.

The important question raised here is whether or not when a stratum below the surface has beeen alienated, the owner of all other strata may have a right to go through this alienated stratum in order to get at his own property below. This question appears to have been decided but once before. In *Chartiers Block Coal Co.* v. *Mellon,* 152 Pa. 286, 25 Atl. 597, 18 L. R. A. 702, such a right was allowed. But it was expressly stated that the right was not based upon the theory of an easement of necessity. Nor is it stated in the principal case that an easement of necessity exists. If indeed such were held to exist, it would seem that the question of negligence were beside the point, since there had been an invasion of a property right. In 13 MICH. L. REV. 336 the creation of easements of necessity by a severance of property is discussed. Here even easements of quasi-necessity are shown to be allowed by some courts. In the principal case, we have an absolute necessity. The only difference is that one section of property is below rather than beside the other. There seems to be no good reason why such a right as is in question should not be definitely declared to be an easement of necessity.

MUNICIPAL CORPORATIONS—POLICE REGULATION OF "JITNEY" BUSSES.—In an interesting series of cases the right of a municipal corporation to regulate the "jitney" by ordinance under its police power is clearly outlined. The facts in the main are identical, the municipality, duly authorized to regulate and control its streets, by ordinance specified as to the experience, physical ability, and habits of the driver, the filing of the route, the license fee, and further required that an indemnity bond from an insurance company be given before permission to operate a "jitney" would be given by the city. In general the objections raised were unreasonableness, occupation tax, no